THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25228 OF 2005

DATED:28.11.2005

Between:

D. Mazher Ali Khan

…Petitioner

And

Commissioner,

Municipal Corporation of Kadapa

Kadapa District and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25228 OF 2005

ORDER:

The petitioner is resident of Kadapa town. He is owner of premises bearing No.19-60 (New No.19-168) situated at Waris Miyan Street. It appears that Kadapa Municipal Council passed a resolution on 14.10.2005 proposing to widen road from Old Bus Stand to Seven-roads Junction (Railway Station Road). The petitioner alleges that officials of first respondent came to the petitioner's property and marked a portion for demolition for the purpose of widening road. Therefore, placing reliance on the judgment of this Court in **P. Lakshmana Rao v. Executive Officer, Gram Panchayat** present Writ Petition is filed seeking a direction to the respondents not to demolish the petitioner's premises.

Learned Standing Counsel for Kadapa Municipal Corporation, Sri S.I.Newton, after

getting instructions submits that pursuant to resolution of Kadapa Municipal Council, six committees were formed and the matter is under consideration. He further submits that the officials of the Kadapa Municipal Corporation have not visited the petitioner's premises nor any marking was made.

After considering the rival submissions, this Court is of considered opinion that the Writ Petition is filed on mere apprehension without there being any concrete steps taken by the Kadapa Municipal Corporation. However, if the land of the petitioner is to be acquired, the Corporation shall have to necessarily follow the procedure contemplated either under Section 146 or under Section 147 of the Hyderabad Municipal Corporation Act, 1955, which is applicable to Kadapa Municipal Corporation also.

The Writ Petition, with the above observations, is accordingly dismissed.

2005. (V.V.S.RAO, J)

bnr

Note: CC in two days.

(B.O)

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